

Oroville Facilities Relicensing (FERC Project No. 2100)
Draft Summary of the Plenary Group Meeting
January 7, 2003

The Department of Water Resources hosted a Plenary Group meeting on January 7, 2003 via conference call. A summary of the discussion, decisions made, and action items are provided below. This summary is not intended to be a transcript of the meeting, or to indicate agreement or disagreement with any of the items summarized, except where expressly stated. The intent is to present a summary for interested parties who could not attend the meeting. The following are attachments to this summary.

Attachment 1	Meeting Agenda
Attachment 2	Meeting Attendees
Attachment 3	Work Group Meeting Abstracts
Attachment 4	Process Update
Attachment 5	Plenary and Work Group Meeting Schedule
Attachment 6	Process Task Force Update
Attachment 7	Outline for PM&E Guidance Document

Welcome and Introductions

Attendees were welcomed to the Plenary Group meeting and objectives were discussed. Patrick Porgans, representing JEM Farms, stated that he was using a cell phone with a low battery and wanted to make sure that the record for this meeting reflects that he and his client are not in favor of the Protection, Mitigation, and Enhancement Process Protocol Task Force schedule. Patrick stated that the time frame was too constricting and does not allow for thorough discussion. He also indicated that he had additional items to be considered for future Plenary Group agendas. The Facilitator asked that he bring those up during the Next Steps portion of the meeting or supply them to her off-line.

The Facilitator reminded participants that DWR distributed the agenda, meeting abstracts and PowerPoint presentations for today's Plenary Group meeting in advance. She identified the main focus of the meeting as an update on the Process Task Force activities. The meeting agenda and list of meeting attendees with their affiliations are appended to this summary as Attachments 1 and 2, respectively. The Facilitator noted that abstracts covering work group meetings held since the last Plenary Group meeting were provided with the Plenary Group meeting agenda and full summaries of those meetings are available on the relicensing web site. The abstracts are provided as Attachment 3 to this summary. She also reminded the participants that the November 2002 Plenary Group meeting summary has been posted on the web site. Any comments/revisions to the meeting summary should be provided to the Facilitator.

Process Update

Where We Are in the Process

Mark Andersen with DWR reviewed where we are in the FERC relicensing process. His presentation is included as Attachment 4 to this summary. Mark informed the Plenary Group that DWR and the consulting team are working on completing Scoping Document 2, which is currently going through an internal review process. Mark stated that DWR's goal is to have a draft version of SD2 available to the collaborative and the public by January 28, 2003. Plenary Group members were also reminded that interim study results expected in January 2003 include

reports on recreation and fishery studies. Mark gave an overview of upcoming Plenary Group milestones, including approval of the Process Task Force's Settlement Process Protocols, PM&E Guidance Document, and PM&E Evaluation Factors by April 2003. The near-term Plenary Group schedule includes a Flood Management Presentation, Process Task Force Update, and a FERC Project Economics presentation.

The Facilitator informed participants that she has updated the meeting schedule through 2003 and would be bringing copies to all upcoming work group meetings, as well as making it available on the relicensing web site. A copy of the meeting schedule is included as Attachment 5 to this summary. Vince Wong representing Zone 7 Water Agency asked if a copy of the meeting schedule could be e-mailed to him. The Facilitator agreed to e-mail the schedule to all Plenary Group members with e-mail capability.

Patrick Porgans asked the Facilitator if participants had gathered in one location even though the meeting agenda indicated the meeting was via telephone conference only. The Facilitator responded that she had joined participants from the Resources Building who had gathered in one room rather than all call in separately. She noted that Roger Masuda representing Butte County was also in the room. Patrick indicated that had he known a room was available in Sacramento, he would have participated in person. The Facilitator clarified that in the future for meetings held via teleconference calls, participants could meet in groups and a room would likely be available in the Resources Building. Roger Masuda asked what the scheduled time is for the next Plenary Group meeting. The Facilitator responded that the January 28 Plenary Group meeting is currently scheduled from 10 am - 4 pm at the Kelly Ridge Golf Course Meeting Room in Oroville.

Action Items – November 19, 2002 Plenary Group Meeting

A summary of the November 19, 2002 Plenary Group meeting is posted on the relicensing web site. The Facilitator reviewed the status of action items from that meeting as follows:

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| Action Item #P105: | Send binder from October 2002 Plenary Group meeting and handouts from November 19, 2002 meeting to Nan Nalder. |
| Responsible: | Facilitator/DWR |
| Status: | DWR mailed a copy of the requested documents to Nan Nalder in November 2002. |
| Action Item #P106: | Annotate study deliverables list to identify briefly what deliverables include. |
| Responsible: | DWR/Consulting Team |
| Status: | Due at time of next deliverable list, January 28, 2003 |
| Action Item #P107: | Show interim updates by the Process Task Force on the Task Force schedule. |
| Responsible: | DWR/Consulting Team |
| Status: | Incorporated into the Process Updates |
| Action Item #P108: | Provide comments on meeting summary and meeting cancellation protocols to Rick Ramirez for discussion at Process Protocol Task Force meeting. |
| Responsible: | Plenary Group Participants |
| Status: | Rick Ramirez with DWR stated that the Process Protocol Task Force has not received comments from participants to date. |

Process Protocol Task Force Update

Rick Ramirez provided a Process Protocol Task Force Update to Plenary Group participants. The presentation is included as Attachment 6 to this summary. Rick stated that the Task Force is currently working on the following deliverables: (1) PM&E Guidance Document; (2) PM&E Evaluation Factors; (3) Settlement Process Protocols; and (4) Plenary Cross-Resource Task Force Description. The PM&E Guidance Document will provide direction for submitting PM&E measure proposals. The participants were provided with a copy of the Outline for PM&E Guidance Document prepared by the Task Force after their December 20, 2002 meeting and included as Attachment 7 to this summary. The PM&E Evaluation Factors document will provide guidance for evaluators and is targeted for Plenary Group approval in February 2003. The Settlement Process Protocols is targeted for Plenary Group approval in April 2003, and will be used for negotiation purposes. Rick also stated that the Settlement Process Protocols will be appended to the existing Process Protocols document.

The Task Force hopes to present the PM&E Guidance document to the Plenary Group for approval at the January 28 Plenary Group meeting. Sharif Ebrahim with the consulting team acknowledged the concerns expressed by Patrick Porgans and noted that the Process Protocol Task Force had received a letter from Patrick documenting his concerns. Sharif was optimistic that the Task Force would come to an agreement and be prepared to present a document to the Plenary Group for consideration at the January 28 meeting.

Rick indicated that target dates for the submittal of PM&E proposals are April and June 2003 and reminded the participants that PM&E measures collected earlier in the process would have more time for discussion and analysis. Mike Meinz, representing the Department of Fish & Game, asked if PM&E measures would come from the work groups or individual organizations. Rick responded that organizations will generate PM&E measures, but the work groups would be the best place to coordinate the PM&E proposals. Scott Lawrence, representing Feather River Recreation and Park District, asked if PM&E measures would be considered after June 2003. Rick said he expects PM&E measures will continue to surface and be considered until the end of the process. Rick also informed the Plenary Group that settlement discussions are targeted for April 2004 through November 2004 and would be based on the Process Settlement Protocols. Michael Pierce, representing Butte County, wanted verification that the Process Settlement Protocols are not currently available for distribution. Rick stated that the draft document is currently under development and review by the Task Force participants.

Sharon Stohrer, representing the State Water Resources Control Board, noted that the Environmental Assessment is scheduled to begin in June 2003 and asked for clarification that DWR is currently only talking about PM&E measures generated by the study plans. Rick agreed that they were talking about study plan PM&E measures. Mike Meinz asked how organizations could prepare and/or support proposals for PM&E measures without scientifically sound study data to back them. He expressed concern that random PM&E proposals supported by nothing more than opinion would be proposed and would take valuable time to evaluate. Ken Kules, representing Metropolitan Water District of Southern California, suggested that PM&E measures surfacing after June 2003 would be based on new information or new analysis and not on issues that were proposed a year ago and not studied for specific reasons determined at the work group level during study plan development. Rick replied that PM&E measures tied to study results would receive quality review and analysis and hoped that any new PM&E measures submitted late in the process would have time for necessary review and analysis.

Roger Masuda suggested that to meet the PM&E proposal submittal deadline and to help DWR understand generally what the scope of PM&E measures is likely to be, some proposals may be submitted as placeholders with general information while more specific information is developed. Mike Meinz was comfortable with the placeholder concept and suggested that for example, DFG might submit a PM&E for flow without the specifics that have yet to be determined through studies currently being conducted. Scott Lawrence agreed and suggested that the JPA would also likely use the placeholder concept when submitting their suggested PM&E measures for recreation.

The Facilitator asked when the Process Protocol Task Force planned to meet next. Rick informed the group that the next meeting is scheduled for Monday, January 13, 2003. Roger Masuda asked if DWR was considering a suggestion from the Task Force that DWR staff a 'help desk' for participants that need help in preparing their PM&E proposals. Rick responded that DWR is looking into the possibility but indicated that DWR could run into staffing problems. Richard Roos-Collins representing Natural Heritage Institute suggested the participants look at the early deadline in a positive light as an opportunity for stakeholders to share their vision of what the new license should look like. Rick Ramirez agreed and added that interim reports already coming in are a good source of information for PM&E proposals.

Next Steps

Patrick Porgans was no longer on the call so the Facilitator mentioned a draft letter she had received from him that included some potential future Plenary Group agenda items. She has not received a final letter yet so she will follow up with Patrick.

The Facilitator mentioned two topics, Flood Management and FERC Economics, scheduled for the January 28 Plenary Group meeting and asked what the group felt were appropriate times to devote to those topics for scheduling purposes. Rick Ramirez suggested the meeting would probably be shorter than the six hours currently reserved but would like to check with Jim Fargo, from FERC to see how long he would like for the economics presentation. Participants agreed that FERC should tailor the presentation to address the issues specific to Oroville that have been raised by the collaborative. Richard Roos-Collins offered that it would be helpful to hear FERC's practice on dealing with economics for multi-use projects. He also suggested that, if possible, Jim Fargo distribute his presentation in advance of the meeting. Sharon Stohrer agreed that it would be helpful to get his presentation in advance due to individual travel constraints. Rick Ramirez suggested Ward Tabor coordinate with Richard to help Jim Fargo better focus his presentation. Nan Nalder stated that Jim Fargo has expertise on FERC economics and she would prefer to hear if FERC has any specific changes planned with regard to their approach to economics. If not, she feels the topic should be tabled. Roger Masuda asked that FERC's presentation provide examples on what is required. Rick Ramirez agreed to coordinate the briefing with Jim Fargo.

Next Meeting

The Plenary Group agreed to meet on:

Date: January 28, 2003

Time: 10 am to 4 pm (end time may be adjusted)

Location: Kelly Ridge Golf Course Meeting Room, 5131 Royal Oaks Drive, Oroville, CA

Action Items

The following action items identified by the Plenary Group include a description of the action, the participant responsible for the action, and due date.

Action Item #P109: E-mail draft meeting schedule to participants.
Responsible: Facilitator
Due Date: January 7, 2003

Action Item #P110: Follow up with Patrick Porgans, representing JEM Farms, regarding potential future Plenary Group agenda topics to be considered by the Plenary Group.
Responsible: Facilitator
Due Date: January 21, 2003

Action Item #P111: Brief Jim Fargo on specific concerns of the collaborative regarding economics so he can focus his briefing and, if possible, provide his presentation in advance of the Plenary Group meeting.
Responsible: DWR
Due Date: January 21, 2003